

# Exhibit 1

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**VIA Email to** decvalsartan@btlaw.com

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Re: ***In re: Valsartan, Losartan, and Irbesartan Products Liability Litigation,***  
**U.S. District Court for the District of New Jersey; Case No. 1:19-md-02875-**  
**RBK-TIV**

Dear Counsel:

I write in response to your September 23, 2022 letter where you set out your understanding of MSP's position on the additional discovery requests. We will respond to each issue in turn below.

**Topic 1 (TPP Plaintiffs' Damages Calculation)**

We will produce non-privileged documents that are in MSP's possession, custody, or control.

**Topic 2 (Subsidy, Reimbursement, and Rebate Data)**

The requested data isn't relevant to the issue of damages because CMS does not make direct payments for Valsartan containing drugs. We also note that Defendants previously requested this data directly from the assignors through a third-party subpoena. It is our understanding that Defendants reached an agreement with the assignors as to what data would be produced.

**Topic 3 (CMS Bids) and Topic 4 (Internal Reporting)**

The requested data isn't relevant to the issue of damages because the assignors' expected drug expenditures have no bearing on whether the Valsartan that they paid for was adulterated and worthless. Further, the data that Defendants seek is highly confidential and proprietary to the assignors. It contains information as to how the assignors determine the plan benefits and the associated costs, and it includes their associated actuary calculations.

**Topic 5 (Pharmacy & Therapeutic Committee)**

We will produce non-privileged assignor P&T meeting minutes that are in MSP's possession, custody, or control and that relate to the placement of Valsartan on the formulary. We note that some meeting minutes were produced for the 2012-2018 benefit years and direct you to the following bates stamped documents: MSP-SUMMACARE-000034, MSP-SUMMACARE-000049, MSP-SUMMACARE-000087, and MSP-SUMMACARE-000119.

As for deposing the members of the P&T committees, we note that Defendants have already deposed Tiffanie Mrakovich, who is a member of SummaCare's P&T committee. As for Emblem, MSP is open to meeting and conferring with Defendants to discuss this further.

**Topic 6 (Post-Recall Utilization and Replacement Data)**

The replacement data from Emblem exceeds the timeframe of MSP's assignment with Emblem. Defendants previously requested this data directly from the Emblem through a third-party subpoena. It is our understanding that Defendants reached an agreement with the Emblem as to what would be produced.

**Topic 7 (Cost Components of Valsartan Drug Purchases)**

We will produce non-privileged documents that are in MSP's possession, custody, or control.

**Topic 8 (Diagnosis Codes)**

The pharmacy claims data that MSP received from the assignors does not have diagnosis codes associated with the prescription fills. We believe this to also be the case with the data that the assignors possess and are in the process of obtaining final confirmation.

**Topic 9 (CMS and PBM Contracts)**

CMS agreements

We will produce non-privileged documents that are in MSP's possession, custody, or control.

PBM agreements

We are open to meeting and conferring with Defendants to discuss what specific sections of the PBM agreements Defendants would like to be unredacted. MSP has already produced documentation showing the amount paid by the assignors for the Valsartan containing drugs. We

further note that the redactions were requested by the PBMs, including Express Scripts, who is a defendant in this litigation.

\* \* \*

Finally, as for the timing of the productions, we propose producing the agreed upon documents on a rolling basis to be completed by December 6, 2022.

Sincerely,



JORGE A. MESTRE